UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,331	12/06/2001	John A. Nix	01-1073	3431

7590 09/01/2004	EXAMINER
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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,9-20,23-45,47-50,52-60 and 62-64* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,9-20,23-45,47-50,52-60 and 62-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claims 6, 8, 21-22, 46, 51 and 61 have been canceled. Claims 1, 3, 7, 9-11, 23, 30, 36, 39-41, 43-45, 47-49, 53-55, 58 and 64 have been amended. Claims 1-5, 7, 9-20, 23-45, 47-50, 52-60 and 62-64 are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7, 9-20, 23-45, 47-50, 52-60 and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder (US 5,852,812) in view of Block (US 5,960,416).

Reeder teaches billing method and system for a network, comprising:
As per claims 1, 30, 36, 58 and 64,

a billing component located on a billing client, wherein the billing client contains a display operable to depict substantially real time billing data (column 6, lines 29-32; column 6, line 58 – column 7, line 6);

at least one billing server, wherein the billing component provides a communication means for the billing client and the at least one billing server, wherein the at least one billing server includes a billing manager and a service manager, and wherein the at least one billing server monitors communication between the billing client and an application server (column 6, line 58 – column 7, line 6);

at least one database, wherein the billing manager is operable to manage data between the billing client and the at least one database (column 6, line 58 – column 7, line 6).

Reeder does teach that said method and system employ the Microsoft Windows NT operating system (column 4, lines 22-23) known to support security features, thereby suggesting a secure communications.

However, Reeder does not specifically teach that the communication means for the billing client is a secured communication means.

Block teaches a method and system for real time subscriber billing at a subscriber location in an unstructured communication network, comprising providing of billing component (Channel Billing Monitors) at the customer location (C. 4, L. 53-54), wherein:

said billing component monitors cost signals generated during a call (C. 4, L. 59-61);

account information including a current credit limit, a current deposit amount, account billing, billing rates and service history, is stored at the customer location in real time environment (C. 3, L. 32-32-43); and

communications with client for billing the client are provided in secure manner (column 33, lines 34-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reeder to include that the communication means for the billing client is a secured communication means, as disclosed in Block, because it would advantageously enhance the security of funds transfer, thereby make it more attractive to the customers.

Also, Reeder teaches:

As per claims 2-5, 7, 9-11, 23, 31-33, 41-42, 45, 47, 60 and 62-63, said method and system, further comprising at least one database, a network for linking the billing client and the billing server wherein said network is a packet-switched network; and wherein the billing client is a computer that is capable of

accessing said network (column 6, lines 29-32; column 6, line 58 – column 7, line 6).

As per claims 12-13, 24, 38-39, 48 and 59, Block teaches said method and system, comprising a secured communication means for the billing client and the at least one billing server (column 33, lines 34-40). The motivation to combine Reeder and Block would be to enhance the security of funds transfer, thereby make it more attractive to the customers.

As per claims 14 and 40, Reeder teaches that a client downloads a software (column 12, lines 23-24).

However, Reeder in view of Block do not specifically teach that said downloaded software includes a latest version of said software.

Official notice is taken that it is well known that software is outdated very fast due to rapid development of the computer industry, and needs to be updated frequently.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reeder in view of Block to include that said downloaded software includes a latest version of said software, because it would advantageously provide clients with newest development in software security field.

As per claims 15 and 16, Reeder teaches said method and system, wherein the at least one billing server is an application server (column 6, lines 49-51).

As per claims 17-20, 49-50 and 56-57, Reeder teaches said method and system, wherein the at least one billing server comprises: a billing manager; and a service manager, and wherein the billing manager is operable to manage data between the billing client and at least one database (column 6, line 58 – column 7, line 6).

As per claims 25-28 and 34, Reeder teaches said method and system, comprising a plurality of various servers, including a billing server (column 6, lines 58-61).

However, Reeder in view of Block do not teach that said billing server includes a primary billing server and a secondary billing server.

Official notice is taken that it is well known in the art to employ redundancy for reliability purposes.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reeder in view of Block to include that said that said billing server includes a primary billing server and a secondary billing server, because it would advantageously increase reliability of the system, thereby make it more attractive to the customers.

As per claims 29 and 35, Reeder teaches said method and system, wherein the at least one database comprises: a rating database containing rate information; a presence database containing network connection information; an account database containing account information; and a service database containing service information (column 2, lines 55-56; column 7, lines 35-39).

As per claims 43 and 44, Block teaches said method and system, wherein the billing server verifies that the billing client is authorized to make the request for the service, and wherein authorization requires account funding for pre-paid accounts, and wherein an end user is operable to fund a pre-paid account, thereby allowing the billing server to authorize the billing client (column 3, lines 34-43; column 10, lines 23-29). The motivation to combine Reeder and Block would be to enhance the security of funds transfer, thereby make it more attractive to the customers.

As per claims 37 and 52-55, Block teaches said method and system, wherein the billing server terminates the service when an end user account is substantially zero (column 9, lines 6-16). The motivation to combine Reeder and Block would be to avoid maintaining unpaid balances thereby decreasing financial losses.

Remarks

A "traverse" is a denial of an opposing party's allegations of fact. The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

Response to Arguments

Applicant's arguments filed 6/09/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to disclose *monitoring at the billing server the communication between the billing client/customer and the application server by receiving cost signals from the billing component, wherein said billing component is located on the billing client/customer,* the examiner points out that Reeder teaches a billing system for

a network, comprising a customer, an application server and a billing server, wherein the communication between the client and the application server is monitored, and billing statements are generated and transmitted to the customer over the network in real-time environment (C. 6, L. 66 - C. 7, L. 2).

Block was applied to show providing of billing component (Channel Billing Monitors) at the customer location (C. 4, L. 53-54), wherein said billing component monitors cost signals generated during a call (C. 4, L. 59-61), and wherein account information, including a current credit limit, a current deposit amount, account billing, billing rates and service history, is stored at the customer location in real time environment (C. 3, L. 32-32-43).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

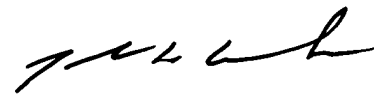**Washington D.C. 20231**

or faxed to:

(703) 872-9306   [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

IB

8/27/2004

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